

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

GREGORY COLBURN et al.,

Defendants

Criminal Action
No. 19-10080-NMG

ORAL ARGUMENT REQUESTED

**DEFENDANT JOHN WILSON'S MOTION IN LIMINE
TO PRECLUDE ARGUMENT OR EVIDENCE CONTRARY TO LAW
CONCERNING MONEY LAUNDERING**

Defendant John Wilson respectfully moves the Court for an order in limine precluding the government from offering argument or evidence that is contrary to black letter law on money laundering, with respect to four payments that the Fourth Superseding Indictment (“Indictment”) attributes to Wilson.¹ Of these four payments referenced in the money laundering section of the Indictment, the government alleges that only one of them qualifies as a financial transaction that violates the money laundering statute. But that transaction involved no concealment, a statutory requirement for money laundering. *See* 18 U.S.C. § 1956(a)(1)(B)(i). The government should not be allowed to argue that this overt transaction—which did not involve the proceeds of any crime, a second statutory requirement, *id.* § 1956(a)(1)—was an act of money laundering, because such argument would be contrary to the money laundering statute and controlling First Circuit case law.

In the alternative, the Court should require the government to identify a financial transaction that (1) the Indictment attributes to Wilson, and (2) that actually conceals the nature or source of criminal proceeds of specified unlawful activity, before permitting the government

¹ This Motion is joined by defendants Elizabeth Kimmel, Gamal Abdelaziz, and Marci Palatella, and the same reasoning set forth in this Motion and its accompanying memorandum of law applies to the money laundering conspiracy charge against these other defendants. Defendants Kimmel, Abdelaziz, and Palatella can identify specific evidence relating to the money laundering charges against them at the Court’s request.

to introduce any evidence regarding its money laundering charge against Wilson. *See* Fed. R. Evid. 104(b).

The grounds for this Motion are set forth in the accompanying memorandum of law.

Respectfully submitted,

John Wilson,

By his Counsel,

/s/ Michael Kendall

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Date: July 30, 2021

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Defendants respectfully request oral argument on this motion.

/s/ Michael Kendall
Michael Kendall

LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned counsel hereby certifies that counsel for Defendants has conferred with counsel for the government and attempted in good faith to resolve or narrow the issues

raised by this motion, but could not obtain counsel's agreement to the relief sought by this motion.

/s/ Michael Kendall
Michael Kendall